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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,725	01/26/2006	Tsuneco Nakata	U1927.0015	1110
32173 7590 06/10/2009 DICKSTEIN SHAPIRO LLP 1177 AVENUE OF THE AMERICAS (6TH AVENUE) NEW YORK, NY 10036-2714				
EXAMINER				
LAM, DUNG LE				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
06/10/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,725

Applicant(s)

NAKATA ET AL.

Examiner

DUNG LAM

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-110 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-110 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species:

- A) Claims 2, 4, 28, 30, 48, 50, 70, 72, 90, 92 are drawn to species A.
- B) Claims 2, 5, 28, 31, 48, 51, 70, 73, 90, 93 are drawn to species B.
- C) Claims 2, 6, 28, 32, 48, 52, 70, 74, 90, 94 are drawn to species C.
- D) Claims 2, 7, 28, 33, 48, 53, 70, 75, 90, 95 are drawn to species D.
- E) Claims 2, 8, 28, 48, 54, 90, 96 are drawn to species E.
- F) Claims 2, 9, 10, 28, 34, 48, 55, 70, 76, 90, 97 are drawn to species F.
- G) Claims 2, 11-13, 28, 35, 48, 56, 70, 77, 90, 98-99 are drawn to species G.
- H) Claims 2, 14, 28, 36, 70, 78 are drawn to species H.
- I) Claims 2, 15, 28, 37, 48, 58, 70, 79, 90, 100 are drawn to species I.
- J) Claims 2, 16-20, 28, 38-42, 48, 59-63, 70, 80-84, 90, 101-105 are drawn to species J
- K) Claims 2, 21, 28, 43, 48, 64, 70, 85, 90, 106 are drawn to species K.
- L) Claims 2, 22, 23, 28, 44-45, 48, 65-66, 70, 86-87, 90, 107-108 are drawn to species L.
- M) Claims 2, 24, 28, 37, 48, 67, 88, 110 are drawn to species M.
- N) Claims 2, 25-26, 28, 46, 48, 68, 90, 109 are drawn to species N.

2. The species are independent or distinct because

Species A has, for example, means for detecting a change in connection status of the communication means currently-in-use; and means for notifying the home agent of the change in connection status and an address assigned to the communication means, that is not required for the other Species.

Species B has, for example, means for notifying the home agent of an address of the communication means scheduled to be disconnected before disconnecting a currently-connected line of the communication means. Thus this limitation is not required for the other Species.

Species C has, for example, means for notifying the home agent of an address of the communication means predicted to be disconnected when an event occurs where disconnection of a currently-connected line of the communication means is predictable. Thus this limitation is not required for the other Species.

Species D has, for example, means for regularly transmitting a packet to a plurality of addresses the mobile router has and means updating information in the control table that manages an address of the mobile router by determining the address as unusable if response is not made from the address to the packet. Thus this limitation is not required for the other Species.

Species E has, for example, means for estimating an address of usable communication means of the mobile router based on positional information of the mobile router. Thus this limitation is not required for the other Species.

Species F has, for example, the route information in the control table of the mobile router includes at least one from a group of communication means or a kind of line, a packet delay, a bandwidth of the line, and usage information. Thus this limitation is not required for the other Species.

Species G has, for example, the home agent includes at least one from a group of communication means or a kind of line, packet delay, a bandwidth of the line, and a timing enabling transmission of the next packet and mobile router selects communication means using means which is different depending on a QoS class of a received packet. Thus this limitation is not required for the other Species.

Species H has, for example, means for monitoring a traffic amount of a mobile network node thereunder and means for connecting and disconnecting a channel to the outside based on the traffic amount. Thus this limitation is not required for the other Species.

Species I has, for example, wherein the mobile router comprises: a control table which manages policy information mapped to respective communication means; and transferring means, when transferring a packet to the home agent, which selects the communication means based on the policy information and transfers the packet, and the home agent comprises: a control table which manages policy information mapped to respective addresses of the mobile router; and transferring means, when transferring a packet to the mobile router, which selects an address of the mobile router based on the policy information and transfers the packet, wherein utilization of a plurality of communication means is determined between the home agent and the mobile router,

based on the policy information. Thus this limitation is not required for the other Species.

Species J has, for example, calculating the fees based on policy, measurement or flat rate. Thus this limitation is not required for the other Species.

Species k has, for example, wherein a communication fee is changed in accordance with a date and time, and utilization of individual communication means is changed in accordance with this change. Thus this limitation is not required for the other Species.

Species L has, for example, wherein the mobile router and the home agent change the policy information based on positional information of the mobile route. Thus this limitation is not required for the other Species.

Species M, has, for example, means for distributing the policy information including the policy information in the response message when receiving notification of an address from the mobile router. Thus this limitation is not required for the other

Species N Has, for example, wherein the mobile router comprises sequence control means which controls a sequence of received packets. Thus this limitation is not required for the other Species.

3. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim appears to be generic.

4. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

5. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

6. The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions

unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUNG LAM whose telephone number is (571) 272-6497. The examiner can normally be reached on M - F 9 - 5:30 pm, Every Other Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Harper can be reached on (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit 2617